



## *Executive Summary*

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# LITERATURE REVIEW ON NON-RESIDENT FATHERS, PATERNAL KIN AND THE CHILD WELFARE SYSTEM

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American Humane  
American Bar Association Center on Children and the Law  
National Fatherhood Initiative

This executive summary was written as part of the Quality Improvement Center on Non-Resident Fathers (QIC NRF) on behalf of the Children's Bureau, U.S. Department of Health and Human Services.

## Background

The Quality Improvement Center on Non-Resident Fathers and the Child Welfare System (QIC NRF) is a five year project to promote and support a research-based and outcome-focused approach to inform best practices related to the engagement of non-resident fathers and paternal family in the child welfare system. The QIC NRF is funded by the Children's Bureau, U.S. Department of Health and Human Services, and is a collaborative project between American Humane, the American Bar Association Center on Children and the Law, and the National Fatherhood Initiative.

The ultimate purpose of the QIC NRF is to determine, through a research design, the impact of non-resident father involvement in child welfare outcomes. The purpose of the QIC NRF literature review is to summarize and describe existing literature on non-resident fathers in the child welfare system and to provide focus to the QIC NRF's research and site engagement. The review describes the major themes, concerns, and issues regarding non-resident father involvement in the child welfare system by analyzing social science, legal, policy and practice, and data literature. The review presents and summarizes available literature on identifying, locating, contacting, and engaging non-resident fathers in the child welfare process. It also highlights gaps in the literature. A full copy of the review and its bibliography is available at: <http://www.abanet.org/child/fathers/QICNRFLiteratureReview.pdf>

This document further summarizes these findings and provides interested stakeholders with a brief synopsis and analysis of written materials on non-resident fathers and child welfare from multiple disciplines.

## Identification and Location Literature

Federal child welfare law and policy encourages the early identification and location of non-resident fathers. In fact, the federal *Adoption and Safe Families Act* supports the use of child support enforcement programs, such as parent locator services, to locate non-resident fathers and other relatives involved in the child welfare system. Although a few states have collaborated with child support agencies to locate non-resident fathers, social science research shows that this level of interagency collaboration has not become common place. In addition, although many states maintain putative father registries, it is unclear whether child welfare agencies use them to help locate non-resident fathers.

State identification efforts are diverse and often differ based on the stage of the case. Most state statutes articulate a procedure by which a non-resident father must be identified before adoption or termination of parental rights proceedings, but fewer articulate clear guidelines regarding identification early in a case. Agency or court efforts to identify may be multi-tiered, father, or mother focused.

Statutes, cases, and court rules show that there are gaps in many state approaches to identify non-resident fathers. Many state statutes do not provide guidance to child welfare agencies and courts regarding the identification and location of non-resident fathers at an initial hearing or early in the case. Courts in several jurisdictions, however, require agencies to conduct diligent searches to locate non-resident fathers that are deemed by the court to be reasonable, given case circumstances.

Failure to identify and locate fathers early may prevent children from establishing a relationship with their father, deprive children of potential paternal relative resources, and delay permanency planning, if the child's goal is adoption. Many states focus primarily on obtaining information from the mother. Yet, as some case law shows, this may be harmful to the child by delaying permanency if the mother withholds information about the father's identity. It may also threaten the mother's right to privacy, especially if there are domestic violence concerns, and potentially thwart the father's interest in establishing a relationship with his child.

Some child welfare agency policy manuals and *Court Improvement Programs* (CIPs) provide additional guidance to social workers and courts regarding father identification and location. While some of these practices are encouraged to engage the father in the child's life, other agencies or courts stress early father identification to avoid delays in permanency planning for the child. The latter perpetuates the notion that fathers should not be identified in child welfare cases except to terminate his parental rights when the goal of the case is adoption. This may have a particularly pernicious affect on non-resident fathers and children when the father was not the perpetrator of abuse or neglect and could be a viable placement option. Moreover, few, if any, child welfare policy manuals focus on early identification and location of non-resident fathers who are not the alleged perpetrator to see if court involvement may be avoided by coordinating an agreement between the mother and father that would allow the latter to care for the child.

Despite these gaps, available social science research suggests that many fathers are identified by child welfare agencies early in a case. Nevertheless, these studies also suggest that the public's lack of understanding regarding paternity establishment and the legal processes that accompany it act as a barrier to prompt identification of fathers.

## **Contact and Engagement Literature**

Federal child welfare law and Supreme Court precedent support preserving families and engaging parents in reunification efforts. Laws in all states require the provision of services that will assist families in remedying the conditions that brought them into the child welfare system. However, many state statutes focus on the consequences associated with fathers' failure to engage in services and case planning. Few provide a framework for how child welfare agencies must engage parents in 'reasonable' reunification efforts, particularly non-resident fathers.

As a result, courts are left to determine what constitutes reasonably diligent efforts to reunify families. There have been many cases where non-resident fathers challenge agencies' limited or non-existent efforts to engage them in services. Moreover, there has been little focus in statute, court rule, or case law on ensuring mothers and fathers are treated equally during the agency case planning process and that all parents receive gender-responsive services and reunification plans. In addition, issues relating to relative engagement and the provision of services to incarcerated fathers have been inadequately addressed in statute and case law.

Social science research shows that *when* a father is identified and located significantly affects when and if he is contacted by child welfare caseworkers. Studies suggest that the earlier a father is identified and located the greater chance he will be contacted by the agency. These studies also found that there are numerous agency and father-driven barriers to initial and regular contact between non-resident fathers and child welfare caseworkers. For example, agencies may be reluctant to involve more people in cases, fearing that they will overwhelm overburdened caseworkers. Fathers' situations may also pose a barrier to contact, if he is unresponsive to communication efforts, homeless or transient, lives out-of-state, or lacks reliable transportation.

Social science studies also suggest that, historically, the child welfare system reaches out to, works with, and provides the bulk of its services to mothers. These studies find that child welfare caseworkers' efforts to address fathers' needs are minimal, in comparison to mothers, even when fathers have the same or more service needs. These studies also propose that fathers often have to demonstrate to the agency their connection to the child whereas agencies presume mothers' developed relationship.

There are a handful of father engagement programs that target non-resident fathers in the child welfare system. Existing father engagement programs attempt to involve non-resident fathers in the child welfare system by encouraging relationships with their children and meeting their specialized service needs. They often incorporate child support, job training, and responsible father counseling into their programs, while also referring fathers to applicable outside resources. Many of these programs receive federal and state funding. A few focus on specific populations of fathers—such as programs for incarcerated fathers and proactive programs that provide counseling for fathers at risk for domestic violence and child abuse.

Though a handful of general engagement programs have been independently reviewed, many programs for fathers in child welfare have not undergone rigorous outcomes analyses. Moreover, because there are a limited number of engagement programs for fathers in child welfare, it is difficult to determine the extent to which these programs improve child-focused outcomes, such as permanency, safety and well-being. In addition, questions about whether child support and/or welfare fatherhood initiatives can be tailored to meet the specialized needs of non-resident fathers in child welfare systems have not been adequately raised or answered. Child welfare advocates and researchers also

note a lack of research, models, and training curricula on fatherhood in the child welfare system. Other critical areas absent in social science research include evaluative data on the involvement of incarcerated fathers in the child welfare system, and how cultural competency issues affect working with fathers.